

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

OREXO AB,

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC. and
MYLAN INC.,

Defendants.

Civil Action No. 3:11-cv-3788-FLW-LHG

Hon. Freda L. Wolfson, U.S.D.J.

Hon. Lois H. Goodman, U.S.M.J.

Document Filed Electronically

**DECLARATION OF CONSTANTINE KOUTSOUBAS
IN SUPPORT OF DEFENDANTS' OPENING CLAIM CONSTRUCTION BRIEF**

Arnold B. Calmann (abc@saiber.com)
Jeffrey Soos (js@saiber.com)
Katherine A. Escanlar (kae@saiber.com)
SAIBER LLC
One Gateway Center, 10th Floor
Newark, New Jersey 07102-5311
973-622-3333
973-286-2465 (facsimile)

Douglass C. Hochstetler
(DHochstetler@KelleyDrye.com)
Constantine Koutsoubas
(CKoutsoubas@KelleyDrye.com)
KELLEY DRYE & WARREN LLP
333 West Wacker Drive
26th Floor
Chicago, IL 60606
312-857-7070
312-857-7095 (facsimile)

Beth D. Jacob (BJacob@KelleyDrye.com)
Clifford Katz (CKatz@KelleyDrye.com)
Sung W. Kim (SuKim@KelleyDrye.com)
KELLEY DRYE & WARREN LLP
101 Park Avenue
Suite 1700
New York, NY 10178
212-808-7800
212-808-7897 (facsimile)

*Attorneys for Defendants/Counterclaim
Plaintiffs Mylan Pharmaceuticals Inc. and
Mylan Inc.*

**DECLARATION OF CONSTANTINE KOUTSOUBAS
IN SUPPORT OF DEFENDANTS' OPENING CLAIM CONSTRUCTION BRIEF**

I, Constantine Koutsoubas, hereby declare as follows:

1. I am an associate in the law firm Kelley Drye & Warren LLP, counsel for Defendants/Counterclaim Plaintiffs Mylan Pharmaceuticals Inc. and Mylan Inc. (collectively "Mylan").

2. I am a member in good standing of the Bar of the State of Illinois (2007), as well as the following courts: United States Court of Appeals for the Federal Circuit (2010) and United States District Court for the Northern District of Illinois (2007).

3. I submit this Declaration in support of Mylan's Opening Claim Construction Brief.

4. I have personal knowledge of the facts stated in this Declaration and am competent to testify to the same.

5. I submit this Declaration to authenticate and provide to the Court certain documents cited to and referenced in Defendants' Opening Claim Construction Brief and to provide any other information relevant thereto.

6. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 6,761,910 B1 ("the '910 patent") entitled "PHARMACEUTICAL COMPOSITION FOR THE TREATMENT OF ACUTE DISORDERS."

7. Attached hereto as Exhibit 2, in Parts 1–2, is a true and correct copy of the prosecution history of the '910 patent as produced by Plaintiff Orexo AB, bates numbers ORM_00000009–ORM_00000249.

8. Attached hereto as Exhibit 3 is a true and correct copy of European Patent Publication No. 0 324 725 A1 ("Nyström") entitled "A pharmaceutical composition."

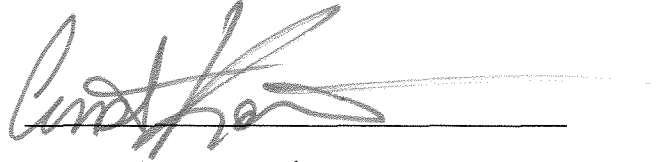
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I, CONSTANTINE KOUTSOUBAS, hereby declare under penalty of perjury under 28 U.S.C. § 1746 and the laws of the United States of America, that the foregoing Declaration is true and correct.

Dated: October 5, 2012

A handwritten signature in dark ink, appearing to read 'Constantine Koutsoubas', is written over a horizontal line.

Constantine Koutsoubas